

**IN THE UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF TENNESSEE AT GREENEVILLE, TN**

**JENNIFER LAWSON, as Administrator/** \*  
**Personal Representative of the Estate** \*  
**of Ashley Lawson,** \*

**vs.** \*

**YES EXPRESS, INC., ET AL.** \*

**AND** \*

**M. N. S., a minor, daughter** \*  
**and next kin of Ashley Nicole** \*  
**Lawson, deceased, by Jordan Clark** \*  
**Stiles, father, guardian and next friend;** \*  
**JORDAN CLARK STILES, individually;** \*  
**and M. N. S., a minor, individually, by** \*  
**Jordan Clark Stiles, father, guardian** \*  
**and next friend,** \*

**VS.** \*

**ION HAZAPARIU; YES EXPRESS,** \*  
**INC. and HELLO EXPRESS, INC.** \*

**\* Civil Action No. 2:14-CV-00245**

**AMENDED COMPLAINT**

Come the Plaintiffs, M.N.S., a minor, daughter and next kin of Ashley Nicole Lawson, deceased, by Jordan Clark Stiles, father, guardian and next friend; Jordan Clark Stiles, individually; and M.N.S., a minor, individually, by Jordan Clark Stiles, father, guardian and next friend and respectfully amend their original Complaint in this cause (2:14-cv-273, doc. 4-2) as follows:

Paragraphs numbered 1-29 and the request for relief as set forth in Plaintiff's original Complaint (2:14-cv-273, doc. 4-2) are incorporated herein by reference and are set forth hereinbelow verbatim.

1. Ashley Nicole Lawson was a citizen and resident of Hawkins County, Tennessee at the time of her death on August 5, 2014. Ashley Nicole Lawson died as a result of injuries she sustained in a motor vehicle crash that occurred on August 5, 2014 on Highway 11-W in Hawkins County, Tennessee.
2. Plaintiff, M.N.S. is a minor and is the daughter and sole heir of Ashley Nicole Lawson. She is the sole statutory beneficiary of Ashley Nicole Lawson under the wrongful death statutes of the State of Tennessee and is the only person entitled to receive the proceeds of a wrongful death settlement or judgment.
3. M. N. S. is a citizen and resident of Hawkins County, Tennessee.
4. Plaintiff Jordan Clark Stiles is the father and guardian of M. N. S., a minor. He has physical custody of M. N. S. and has legal custody of M. N. S. by virtue of an Order of the Juvenile Court for Hawkins County, Tennessee entered on August 14, 2014. (Case #HJ-14-0684). He is a citizen and resident of Hawkins County, Tennessee.
5. M. N. S., by her father, guardian and next friend, Jordan Clark Stiles, brings this action for the wrongful death of Ashley Nicole Lawson.

6. On Sunday, August 10, 2014, Jennifer Lawson, claiming to be the "Administrator/Personal Representative of the Estate of Ashley Lawson" filed a lawsuit in this Court purportedly for the wrongful death of Ashley Nicole Lawson. (Case #2:14-cv-245). However, Jordan Clark Stiles and M. N. S. assert that M. N. S., the sole heir and statutory beneficiary of Ashley Nicole Lawson, is the proper party to prosecute the wrongful death claim by and through her father, guardian and next friend, Jordan Clark Stiles.

7. Jordan Clark Stiles, as father, guardian and custodian of M. N. S., affirmatively objects to the lawsuit filed by Jennifer Lawson. He neither agrees to, consents to nor ratifies the lawsuit being prosecuted by Jennifer Lawson as Administrator or by Jennifer Lawson in any other capacity.

8. M. N. S. by her father, guardian and next friend, Jordan Clark Stiles, also brings a claim in this action for the personal injuries she suffered in the motor vehicle crash on August 5, 2014.

9. Plaintiff Jordan Clark Stiles also brings a claim in this action individually, and on his own behalf, for his personal injuries suffered in the motor vehicle crash on August 5, 2014.

10. Plaintiffs allege, on information and belief, that Defendant Ion Hazapariu is a resident of the State of Texas.



11. Plaintiffs allege that Defendant Yes Express, Inc. is a foreign corporation. On information and belief, Plaintiffs allege that said Defendant has its principal place of business and is incorporated in the State of Michigan. Plaintiffs allege Defendant's principal address is 3900 Wyoming Street, Dearborn, MI 48120 and its mailing address is 5731 Farmington Road, West Bloomfield, MI 48322.

12. Plaintiffs allege that Defendant Hello Express, Inc. is a foreign corporation. On information and belief, Plaintiffs allege that said Defendant has its principal place of business and is incorporated in the State of Michigan. Plaintiffs allege Defendant's principal address is 3900 Wyoming Street, Dearborn, MI 48120 and its mailing address is 5731 Farmington Road, West Bloomfield, MI 48322.

13. On information and belief Plaintiffs allege that the last known registered agent for Defendants Yes Express, Inc. and Hello Express, Inc. Is Tania Batiu located at 5731 Farmington Road, West Bloomfield, MI 48322.

14. Plaintiffs aver that all Defendants are subject to personal jurisdiction in this Court by virtue of the fact that they were operating a motor vehicle and doing business in the State of Tennessee at the time of the crash on August 5, 2014.

15. There is diversity of citizenship in this case and this Court has jurisdiction pursuant to 28 USC §1332(a). The amount in controversy for each Plaintiff and for each claim herein exceeds \$75,000.

16. This Court is a proper venue for this case pursuant to 28 USC §1391.

17. On August 5, 2014 Ashley Nicole Lawson was driving a Daewoo passenger car in a lawful manner on Highway 11-W in Hawkins County, Tennessee. Plaintiff Jordan Clark Stiles was a front seat passenger and Plaintiff M. N. S. was a back seat passenger.

18. At the same time, Defendant Ion Hazapariu was driving a Volvo truck towing a full length trailer on Highway 11-W in Hawkins County, Tennessee. He was traveling in the opposite direction of Ashley Nicole Lawson.

19. At or near the intersection of Highway 11-W and Highway 66, Defendant Ion Hazapariu drove his truck into Ashley Nicole Lawson's lane of travel and crashed into her vehicle. Ashley Nicole Lawson died in the crash and M. N. S. and Jordan Clark Stiles were injured.

20. The crash that killed Ashley Nicole Lawson and injured M. N. S. and Jordan Clark Stiles was caused by the careless and negligent actions of Defendant Ion Hazapariu. Defendant's negligence includes:

- a. he drove his truck into the wrong lane
- b. he drove his truck left of center
- c. he attempted an illegal or improper left turn
- d. he failed to yield to Ashley Nicole Lawson, who had the right of way
- e. he failed to keep a proper lookout

- f. he failed to keep his truck and trailer under proper control
- g. he was guilty of inattentive or distracted driving
- h. he violated T.C.A. §55-8-123
- i. he violated T.C.A. §55-8-125
- j. he violated T.C.A. §55-8-129

21. On information and belief Plaintiffs allege that the Volvo truck driven by Ion Hazapariu was owned, controlled or leased by the Defendant Yes Express, Inc. and/or Hello Express, Inc.

22. Plaintiffs allege that Defendant Ion Hazapariu, at the time of the crash, was acting within the scope of his employment with Yes Express, Inc. and/or Hello Express, Inc. with said Defendants' express or implied permission, authority and consent.

23. Plaintiffs allege that Defendant Yes Express, Inc. and/or Hello Express, Inc. are vicariously liable for the negligent and careless acts of Defendant Ion Hazapariu as set forth hereinabove.

24. Plaintiffs further aver that Defendants, Ion Hazapariu and Yes Express, Inc. and Hello Express, Inc. are liable to them for violations of the Federal Motor Carrier Safety Regulations that either directly or indirectly caused or contributed to the crash and to Ashley Nicole Lawson's death and Plaintiffs' injuries and damages.



25. The negligence and careless actions of the Defendants caused Ashley Nicole Lawson's death and Plaintiffs' injuries and damages as set forth below.

26. Plaintiff M. N. S. is entitled to recover damages from the Defendants for the wrongful death of her mother. These damages include, but are not limited to, Ashley Nicole Lawson's pain and suffering prior to her death, loss of the pecuniary value of her life, including but not limited to, loss of her lifetime earning capacity and M. N. S's loss of her mother's love, affection, companionship, comfort, society, guidance, counsel and consortium.

27. M. N. S. is also entitled to recover from the Defendants for her own personal injuries. As a result of the crash M. N. S. suffered multiple injuries including a head injury. She is entitled to recover for her pain and suffering, and for her impairment, disfigurement, disability, medical expenses, loss of enjoyment of life and other losses as may be shown by the evidence. She is also entitled to recover for emotional injuries caused by the crash including, but not limited to, the injury she has suffered or will suffer because she witnessed the death of her mother.

28. Jordan Clark Stiles, as father of M. N. S. is entitled to recover damages from the Defendants for her medical expenses, past and future, and for other expenses that have been incurred or will be incurred in caring for her injuries.

29. As a result of the crash, Jordan Clark Stiles suffered multiple serious and severe injuries including a hip/pelvis injury and fractures to his arm and leg. He is entitled to

recover for his physical pain and suffering and for his impairment, disfigurement and disability. He is entitled to recover his medical expenses, his loss of earnings and earning capacity and for the loss of his enjoyment of life and other losses as may be shown by the evidence. He is also entitled to recover for emotional injuries, including but not limited to, the injury he suffered and will suffer because he witnessed the death of Ashley Nicole Lawson.

**WHEREFORE**, Plaintiff M. N. S. requests judgment against the Defendants in an amount that will fully and fairly compensate her for the wrongful death of her mother, Ashley Nicole Lawson. Plaintiff M. N. S. also requests judgment against the Defendants in an amount that will fully and fairly compensate her for her personal injuries. Plaintiff Jordan Clark Stiles requests judgment against the Defendants in an amount that will fully and fairly compensate him for his personal injuries and for the medical bills and other expenses related to the care of his daughter's injuries. All Plaintiffs request their costs, including discretionary costs. All Plaintiffs request a jury.

#### **CROSS CLAIM**

Comes the Plaintiff, M.N.S., a minor, daughter and next kin of Ashley Nicole Lawson, deceased by Jordan Clark Stiles, father guardian and next friend, and asserts a cross claim for declaratory relief against Co-Plaintiff Jennifer Lawson, as Administrative/Personal Representative of the Estate of Ashley Lawson. M.N.S. would show unto the Court the following:



1. This Court has jurisdiction to hear the declaratory relief action pursuant to 28 U.S.C.A. §2201 and 28 U.S.C.A. §1332(a). There is complete diversity between the Plaintiffs, all of whom are residents of Hawkins County, Tennessee and the Defendants, all of whom are citizens and resident of states other than Tennessee. The amount in controversy for each claim exceeds \$75,000.
2. This Court is a proper venue for the cross claim pursuant to 28 U.S.C.A. §1391.
3. Ashley Nicole Lawson died on August 5, 2014 as a result of injuries sustained in a motor vehicle crash that occurred on Highway 11W in Hawkins County, Tennessee.
4. M.N.S. is a minor and the daughter and sole heir of Ashley Nicole Lawson. She is the sole statutory beneficiary of Ashley Nicole Lawson under the wrongful death statutes of the State of Tennessee and is the only person entitled to receive the proceeds of the wrongful death settlement or judgment. She is also the next of kin of Ashley Nicole Lawson.
5. Jennifer Lawson is the mother of Ashley Nicole Lawson.
6. On August 10, 2014 Jennifer Lawson, claiming to be the Administrator/Personal Representative of the Estate of Ashley Lawson, filed a lawsuit in this Court for the wrongful death of Ashley Nicole Lawson. (2:14-cv-245, doc. 1).

7. When Jennifer Lawson filed said lawsuit she was not the Administrator or Personal Representative of the Estate of Ashley Lawson. Proof of this fact is outside of the pleadings in this case.
8. On September 8, 2014 M.N.S., daughter and next kin of Ashley Nicole Lawson, deceased, by Jordan Clark Stiles, father, guardian and next friend, filed a lawsuit in this Court for the wrongful death of Ashley Nicole Lawson. (2:14-cv-273, doc. 4-2). In addition to a claim for the wrongful death of Ashley Nicole Lawson, this lawsuit also includes claims for personal injuries sustained by Jordan Clark Stiles and by M.N.S.
9. Jordan Clark Stiles is the father and guardian of M.N.S. He has physical custody of M.N.S. and has legal custody of M.N.S. by virtue of an Order of the Juvenile Court of Hawkins County, Tennessee (case #HJ-14-0684). Proof of this fact is outside of the pleadings in this case.
10. In the lawsuit filed by M.N.S. and her father, Jordan Clark Stiles, Mr. Stiles affirmatively objected to the lawsuit filed by Jennifer Lawson. The lawsuit (2:14-cv-273) states that "he neither agrees to, consents to nor ratifies the lawsuit being prosecuted by Jennifer Lawson as Administrator or by Jennifer Lawson in any other capacity. (2:14-cv-273, doc. 4-2, para. 7).
11. On October 23, 2014 Defendants Yes Express, Inc. and Ion Hazapariu filed a Motion to Dismiss Jennifer Lawson's case (2:14-cv-245) pursuant to Federal Rules of Civil

Procedure 12(b)(6). This Motion alleges that Jennifer Lawson is not the proper party to prosecute the wrongful death lawsuit. (2:14-cv-245, doc. 17).

12. On November 13, 2014 Plaintiff Jennifer Lawson filed a Response to the Motion to Dismiss (2:14-cv-245, doc. 21).

13. On November 20, 2014 Defendants filed Motions to Consolidate cases 2:14-cv-245 and 2:14-cv-273. (2:14-cv-245, doc. 23 and 2:14-cv-273, doc. 13). Defendants also filed a Motion to Stay Pending Resolution of Motion to Consolidate. (2:14-cv-245, doc. 24).

14. On November 21, 2014 the Court granted the Motions to Consolidate. (2:14-cv-245, doc. 25 and 2:14-cv-273, doc. 14). In its Order, entered on November 21, 2014, the Court stayed all proceeding in both cases “with the exception of any directly related to the Motion to Dismiss”.

15. On November 24, 2014 Defendants Yes Express, Inc. and Ion Hazapariu filed a Motion to Withdraw their Motion to Dismiss Plaintiff Jennifer Lawson’s Complaint. (2:14-cv-245, doc. 26). In their Motion Defendants “request permission to withdraw their Motion to Dismiss so that an appropriate pleading may be filed which will enable all parties to be heard whose interest in maintaining a wrongful death action may be impacted by a ruling from this Court”. (Para. 6)



16. On November 25, 2014 the Court granted the Defendants Motion and also lifted the stay. (2:14-cv-245, doc. 27).

17. Two different Plaintiffs have filed claims for the wrongful death of Ashley Nicole Lawson. There can be only one claim for the death of Ashley Nicole Lawson. Therefore, a justiciable issue exists with respect to which Plaintiff is authorized to maintain the action for the wrongful death of Ashley Nicole Lawson.

18. Jordan Clark Stiles, as father, guardian and custodian of M. N. S., affirmatively objects to the lawsuit filed by Jennifer Lawson. He neither agrees to, consents to nor ratifies the lawsuit being prosecuted by Jennifer Lawson as Administrator or by Jennifer Lawson in any other capacity.

19. M.N.S. by Jordan Clark Stiles, her father, guardian and next friend, alleges that as surviving daughter and next kin of Ashley Nicole Lawson she has priority over Jennifer Lawson or any other administrator of the Estate of Ashley Lawson to bring the wrongful death case.

20. In the alternative, in the event that the Court determines that neither Plaintiff has priority over the other, M.N.S., by Jordan Clark Stiles, her father, guardian and next friend, avers that she is the proper party to prosecute the wrongful death claim. She avers that good cause exists as to why she, rather than Jennifer Lawson, is the proper party to maintain and prosecute the wrongful death claim.

WHEREFORE, Plaintiff, M.N.S., a minor, daughter and next kin of Ashley Nicole Lawson, deceased, by Jordan Clark Stiles, father, guardian and next friend, respectfully requests that the Court declare the rights of the parties in this case with respect to which Plaintiff has the right and authority to bring and prosecute a wrongful death action for the death of Ashley Nicole Lawson. Plaintiff requests that the Court declare and determine that M.N.S., a minor, daughter and next kin of Ashley Nicole Lawson, deceased, by Jordan Clark Stiles, father, guardian and next friend, has priority and/or a superior right and/or is the proper party to bring and prosecute the wrongful death lawsuit. Plaintiff requests such other relief as the Court may deem appropriate in this case.

**RESPECTFULLY SUBMITTED,**

**M. N. S., a minor, daughter  
and next kin of Ashley Nicole  
Lawson, deceased, by Jordan Clark  
Stiles, father, guardian and next friend;  
JORDAN CLARK STILES, individually;  
and M. N. S., a minor, individually, by  
Jordan Clark Stiles, father, guardian  
and next friend,**

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 18, 2014 a copy of the foregoing document was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt including:

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